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LETTER DATED 19 AUGUST 1999 FROM THE PERMANENT REPRESENTATIVE OF THE DEMOCRATIC REPUBLIC OF THE CONGO TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

On the instructions from my Government, I have the honour to transmit to you herewith a copy of the communication of 14 August 1999 from the Minister for Human Rights of the Democratic Republic of the Congo to the ambassadors of the States permanent members of the Security Council and of the States members of the European Union concerning the tragic events that the Rwandan-Ugandan coalition has caused and continues to cause within Congolese territory.

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(Signed) André MWAMBA KAPANGA
Ambassador
Permanent Representative

Annex

Communication of 14 August 1999 from the Minister for Human Rights of the Democratic Republic of the Congo to the Dean of the Diplomatic Corps, the ambassadors of the States permanent members of the Security Council and the ambassadors of the States members of the European Union (represented by Portugal)

The Government of National Salvation, through the Ministry of Human Rights, wishes to thank you for responding to its invitation.

The purpose of the Government's communication today is to alert you once again to the heinous aggression being perpetrated against our country, involving egregious human rights violations and the whole spectrum of humanitarian disasters: massacres, deportations, abductions, waves of displaced persons, war victims, refugees and persons at risk and destruction of the environment.

In particular, we wish to call your attention to the tragic events that continue to occur in the provinces of the Democratic Republic of the Congo occupied by the aggressor countries. The international community, of which you represent a significant portion, has a responsibility to involve itself more deeply in peacemaking in the Democratic Republic of the Congo.

Early this year, we drew your attention to the effects of the war of aggression being waged against the Democratic Republic of the Congo by Rwanda, Uganda and Burundi. We stressed heavily the urgent need for appropriate measures not only to aid the Congolese people to recover their sovereignty and territorial integrity, but also to put an end to the serious, massive violations of human rights to which some of our people have fallen victim.

Since then, some limited progress has been made, including the adoption of Security Council resolution 1234 (1999) of 9 April 1999 and the signing in Lusaka on 10 July 1999 of the Agreement on a Ceasefire in the Democratic Republic of the Congo. Two rebel factions continue to kill each other in an attempt to win legitimacy, deliberately delaying the formal signing of the Ceasefire Agreement. There is no doubt that this grim, distressing spectacle is being orchestrated by Rwanda and Uganda, the sponsors of the so-called Congolese rebels.

To quote Aldo Ajelo, Special Representative of the European Union for the Great Lakes Region, it is incomprehensible that the entire international community should be held hostage for the sake of a signature.

Beyond the issue of signatures, which actually masks the avowed and unavowed interests of the aggressor countries and their Congolese accomplices, the Congolese population continues to suffer the horrors of war: the city of Kisangani is a prey to sporadic clashes between Ugandans and Rwandans, yet the international bodies responsible for the maintenance of international peace and security have done absolutely nothing to denounce or condemn this situation.

On around 28 July 1999, 41 Congolese men, women and children were burned alive by Tutsi elements in Kasala, Katanga province. This barbarous, heinous crime was the latest in a succession of war crimes and crimes against humanity committed in the occupied eastern territories of the country, particularly in Kasika, Makobola, Mwenga and Kamituga. These massacres, which are public knowledge and are clearly mentioned in our white paper have not been investigated by either the United Nations or non-governmental human rights organizations.

While the Congolese people and the Government of National Salvation are pursuing peace with neighbouring countries without exception, as well as national reconstruction among Congolese, the Rwandan, Ugandan and Burundian aggressors are obstinately pursuing their bellicose, irredentist policy, at the risk of jeopardizing the gains embodied in the Lusaka Ceasefire Agreement.

In signing the Sirte Peace Agreement of 18 April 1999 and the Lusaka Ceasefire Agreement, President Laurent Désiré Kabila demonstrated the Congolese people's desire for peace.

That people, like any other peace- and justice-loving people, is entitled to expect more help from the international community in putting an end to the war and halting the massive human rights violations, so that it can achieve the objectives of the country's reconstruction.

We can never say it enough: war is the worst negation of human rights. It cannot, in any circumstances contribute to development or to greater collective well-being. The best way to preserve development and to protect the economic, social and cultural rights of the Congolese people in the same way as their civil and political rights, as Mary Robinson, United Nations High Commissioner for Human Rights, recalled only recently at the latest session of the Economic and Social Council in Geneva, is to press for a halt to the fighting and an end to the war.

For we cannot hope to protect the war's victims, namely, refugees and displaced and vulnerable persons, if we do not remove the cause, namely, the war of aggression. The Congolese people are not convinced that the United Nations Security Council, the principal organ for the maintenance of international peace and security, is doing all it can to bring peace to the Democratic Republic of the Congo. Yet all that is needed for a change to occur is for the members of the Council, particularly the permanent members, to acknowledge what is happening.

Surely the Congolese people, who have suffered the ravages of one war after another, deserve peace? What are you waiting for to condemn the events in Kisangani and the massive human rights violations against peaceful Congolese citizens, especially the massacre in Kasala? What is the Security Council waiting for to implement its resolution 1234 (1999) and to permit the implementation of the Lusaka Ceasefire Agreement, if need be by invoking Chapter VII of the Charter of the United Nations?

The Security Council has the power to take such action as it deems appropriate to deal with a threat to the peace or a breach of the peace.

In its resolution 1234 (1999), the Security Council called for an end to the presence of uninvited forces in the territory of the Democratic Republic of the Congo and for immediate steps to be taken to that end. Thus far, no steps appear to have been taken towards a withdrawal. On the contrary, the aggressor forces have their sights set on further conquests of territory.

The Council reaffirmed its readiness to consider the active involvement of the United Nations, in coordination with the Organization of African Unity (OAU), including through concrete, sustainable and effective measures to assist in the implementation of an effective ceasefire agreement and in an agreed process for peaceful settlement of the conflict (paragraph 15).

What is the Council waiting for to take these measures? It continues to make the deployment of an international force contingent on the actual cessation of hostilities. In other words, it will not intervene in the mess in the Congo until the Ugandans and Rwandans have ceased hostilities. How ironic! Is it not the Council's mandate to enforce the peace, including by coercive measures?

Moreover, the contracting parties to the Lusaka Ceasefire Agreement acknowledge that the Security Council has the prerogative to do so. In any event, the Council has the power to take a decision in this respect of its own accord. Article III, paragraph 11 (a) of the Lusaka Agreement specifies that "The United Nations Security Council, acting under Chapter VII of the UN Charter and in collaboration with the OAU, shall be requested to constitute, facilitate and deploy an appropriate peacekeeping force in the DRC to ensure implementation of this Agreement; and taking into account the peculiar situation of the DRC, mandate the peacekeeping force to track down all armed groups in the DRC. In this respect, the UN Security Council shall provide the requisite mandate for the peacekeeping force".

The overcautiousness, indeed the guilty complicity, exhibited by the Security Council is in contrast with its primary mission and with the magnitude of the problems to be resolved in the Congolese provinces affected by the war. The Congolese people will judge the United Nations in the light of its ability to ensure respect for its founding Charter by putting an end to the armed conflict in the Democratic Republic of the Congo, which is a source of massive human rights violations.

In our communication of 13 January 1999, we called upon the European Union, through the ambassadors of its member States accredited in the Democratic Republic of the Congo, to condemn unequivocally the aggression against our country, and also the serious and massive human rights violations committed by the Rwandan, Ugandan and Burundian aggressors. We are convinced that the European Union, which includes two permanent members of the Security Council and maintains substantial multilateral cooperation with African States in the context of the Lomé Convention, can and must make its contribution to the settlement of the armed conflict in the Democratic Republic of the Congo.

There is no need to recall the attachment of the States members of the European Union to the principles of freedom, democracy and respect for human rights and fundamental freedoms and the state ruled by law (see the preamble to the Treaty on the European Union, signed at Maastricht on 7 February 1972).

In the context of cooperation between the European Union and the African, Caribbean and Pacific (ACP) States, particularly emphasis is placed on attachment to dignity and human rights, which constitute legitimate aspirations of individuals and peoples.

The Lomé IV Convention (as revised by the Mauritius agreement of 4 November 1995) notes in article 5, paragraph 1, that development policy and cooperation are closely linked to respect for and enjoyment of human freedoms and fundamental rights.

On the basis of these principles, the European Union is entitled to bring sustained pressure to bear on the aggressors and their Congolese accomplices to respect the Lusaka Ceasefire Agreement and the lawful rights of the Congolese population to live in peace and not to be subjected to maltreatment.

Failing that, the European Union is at liberty to suspend its cooperation with the aggressor countries in accordance with article 366 bis of the Lomé Convention.

The States members of the OAU could also make a useful contribution to the restoration of peace in the Democratic Republic of the Congo by ensuring respect for the fundamental principles of its founding charter, making use in particular of the new conflict prevention, management and settlement mechanism.

We take this opportunity to protest against the slowness with which the communication we submitted to the African Commission of Human and People's Rights is being handled. After holding its two most recent sessions in Bujumbura, the Commission is planning to meet in Kigali in November this year. The choice of these two capitals is far from having been made by chance, at a time when the Commission has before it a complaint by the Democratic Republic of the Congo against Uganda, Rwanda and Burundi. We appeal to the current Chairman and the Secretary-General of OAU, through the Dean of the Diplomatic Corps in Kinshasa, to ensure respect for the Commission's impartiality.

On the eve of the third millennium, the Congolese people is entitled to count on the decisive support of the international community to help it restore peace and put an end to the serious and massive human rights violations by the aggressors and their Congolese accomplices.

We endorse the hymn to peace of Martin Luther King (the only revolution, 1967), who said he had a dream that one day men would rise up and understand at last that they were made to live together as brothers, that one day there should be no more war, that men should beat their swords into ploughshares and their spears into pruning hooks, that nation should not lift up a sword against nation, neither should they learn war any more.

Consequently, the Democratic Republic of the Congo, through the Ministry of Human Rights, calls on the United Nations Security Council, the European Union and the Organization of African Unity to:

(a) Condemn the Kasala massacre and order that a commission of inquiry be instructed to establish the facts, identify those responsible and bring them to justice;

(b) Compel Uganda and Rwanda to halt the fighting in the territory of the Republic;

(c) Induce these two countries to sign the Lusaka Agreement;

(d) Ensure the effective application of that Agreement for purposes of the restoration of peace in the Democratic Republic of the Congo as a condition for reconciliation and national reconstruction.